

Thomas Carr, OSB No. 212598
County Counsel
tom_carr@washingtoncountyor.gov
Office of Washington County Counsel
155 N First Avenue, Suite 340, MS 24
Hillsboro, OR 97124
Phone (503) 846-8747
Fax (503) 846-8636
Attorney for Amicus Washington County

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

DISABILITY RIGHTS OREGON,
METROPOLITAN PUBLIC DEFENDER
SERVICES, INC., and A.J. MADISON,

No. 3:02-cv-00339-MO (Lead Case)
No. 3:21-cv-01637-MO (Member Case)
No. 6:22-cv-01460-MO (Member Case)

Plaintiffs,

v.

JAMES SCHROEDER, in his official
capacity as head of the Oregon health
Authority, and DOLORES MATTEUCCI,
in her official capacity as Superintendent
of the Oregon State Hospital,

**BRIEF OF AMICUS WASHINGTON
COUNTY IN SUPPORT OF MARION
COUNTY'S PROPOSED AMENDMENT
LANGUAGE [ECF 383] OR IN THE
ALTERNATIVE SEEKING AN ORDER
THAT THE PARTIES, INTERVERNORS
AND AMICI CONTINUE TO MEDIATE
THIS ISSUE**

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY
CENTER FOR BEHAVIORAL HEALTH;
LEGACY HEALTH SYSTEM;
PEACEHEALTH, and PROVIDENCE
HEALTH & SERVICES OREGON,

Intervenors.

JAROD BOWMAN, JOSHAWN
DOUGLAS-SIMPSON,

No. 3:21-cv-01637-MO (Member Case)

Plaintiffs,

v.

DOLORES MATTEUCCI, Superintendent
of the Oregon State Hospital, in her
individual and official capacity, PATRICK
ALLEN, Director of the Oregon Health
Authority, in his individual and official
capacity,

Defendants,

and

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY
CENTER FOR BEHAVIORAL HEALTH;
LEGACY HEALTH SYSTEM;
PEACEHEALTH, and PROVIDENCE
HEALTH & SERVICES OREGON,

Intervenors.

LEGACY EMANUEL HOSPITAL &
HEALTH CENTER d/b/a UNITY
CENTER FOR BEHAVIORAL HEALTH;
LEGACY HEALTH SYSTEM;
PEACEHEALTH, and PROVIDENCE
HEALTH & SERVICES OREGON,

No. 6:22-cv-01460-MO (Member Case)

Plaintiffs,

v.

JAMES SCHROEDER, in his official
capacity as Director of Oregon Health
Authority,

Defendants.

For the reasons stated in Marion County's Memorandum of Law Regarding Amendment to Order to Implement Neutral Expert's Recommendations [ECF 384] Washington County respectfully requests that the Court adopt Marion County's Proposed Amendments to Order to Implement Neutral Expert's Recommendations [ECF 383].

In the alternative, if the Court intends to adopt the language proposed by the plaintiffs, Washington County respectfully requests that the Court direct the parties, intervenors and amici to continue to attempt to mediate these issues. In the Joint Status Report [ECF 381], the parties wrote "The parties and amici (sic) are at an impasse with respect to the transport language and will submit competing proposals today." Washington County believes that it is possible to reach an amicable resolution of this issue through further discussions. Before issuing an extraordinary order directing all sheriffs in the state, who are not parties to this litigation, to ignore state court orders, every possible alternative should be exhausted. The plaintiffs have not shown, as ordered by this Court, that their proposed language is the least restrictive alternative or that this issue presents an immediate crisis. The only evidence in the record is that three patients have been the subject of orders precluding transport in the absence of a report on the patient's current condition. A short delay to allow for further discussion should not materially interfere with the progress on compliance.

DATED: May 15, 2023.

s/Thomas Carr
 Thomas Carr, OSB No. 212598
 County Counsel
 tom_carr@washingtoncountyor.gov
 Attorney for Amicus Washington County